<u>REMARKS</u>

Claims 43-84, all the claims pending in the application, stand rejected only on prior art grounds.

I.   The Prior Art Rejections

Claims 43-44, 56, 58, 62, 68-70, 78, 82, and 84 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,219,072 to Sundaresan, hereinafter referred to as Sundaresan. Claims 45-48, 50-51, 70-74, and 76-77 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sundaresan in view of U.S. Patent No. 6,334,127 to Bieganski et al., hereinafter referred to as Bieganski. Claims 52-55, 57, 59-63, 67, 79-81, and 83 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sundaresan in view of U.S. Patent No. 6,604,085 to Kolls, hereinafter referred to as Kolls. Claims 64-66 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sundaresan in view of Kolls and further in view of U.S. Patent No. 6,298,348 to Eldering. Applicants respectfully traverse these rejections based on the following discussion.

A.   The 35 U.S.C. 102(e) Rejection Based on Sundaresan

Applicants respectfully traversed this rejection because Sundaresan profiles shoppers according to previous browsing behavior and previous shopping behavior, while the claimed invention determines a "shopper-group interaction" measure that is based at least in part upon group shopper data comprising a record of previous interactions between individuals within a shopping group of individuals performing group shopping. Thus, as explained in greater detail below, the claimed invention is based upon not only the user's previous shopping behavior, but also upon how the user has previously interacted within a group of common shoppers.

Sundaresan, at column 5, lines 1-20, explains that his system can monitor the browsing behavior of shoppers visiting a site. Information can be tracked regarding the items and categories of items viewed by the shopper, search terms entered by the shopper, and the price

range or other characteristics of items viewed by the shopper. In addition, the system in Sundaresan can access stored information regarding previous visits and purchases made by the shopper, including past co-browsing behavior, as well as any information about the shopper that may have been provided by the shopper during the current or a previous visit. Users who have previously engaged in co-browsing can be preferentially targeted by the system in Sundaresan for co-browsing on return visits. Likewise, those visitors who have declined co-browsing opportunities can be given an opportunity to request no further invitations to co-browse in the system in Sundaresan. Thus, with the system in Sundaresan, potential co-browsers can be identified by searching for other shoppers having browsing or purchasing profiles or other characteristics in common with a first shopper.

To the contrary, the claimed invention determines a "shopper-group interaction" measure that is based at least in part upon group shopper data comprising a record of previous interactions between individuals within a shopping group of individuals performing group shopping. For example, independent claims 43, 58, 68, 69, and 84 somewhat similarly define "determining a shopper-group interaction measure from individual shopper data and group shopper data, said group shopper data comprising a record of previous interactions between individuals within a shopping group of individuals performing said group shopping." Thus, the claimed invention is based upon not only the user's previous shopping behavior, but also upon how the user has previously interacted within a group of common shoppers.

The shopper-group interaction measure is determined (as defined by various dependent claims) on the basis of one or more of a set of indices. The indices relate to shopper affinity, leadership, conformity and assertiveness. Shopper affinity can be determined on the basis of the number of times a shopper has voted with other members of the group, the number of times a shopper's proposal has been voted for by other members of the group, the number of times a shopper has been invited by or issued an invitation to other members of the group, and the number of shopping groups that a shopper is commonly a member of with other shoppers. The leadership index is determined from a shopper's purchase recommendations and the number of times other shoppers in the group have followed such recommendations. The conformity index depends upon a shopper's voting record regarding purchase proposals with reference to a

majority or lead shopper. The assertiveness index is similar, but relating to disagreement with a majority or a lead shopper.

Therefore, it is Applicants' position that independent claims 43, 58, 68, 69, and 84 are not anticipated by Sundaresan because Sundaresan does not teach "determining a shopper-group interaction measure from individual shopper data and group shopper data, said group shopper data comprising a record of previous interactions between individuals within a shopping group of individuals performing said group shopping." Similarly, it is Applicants' position that dependent claims 44-57, 59-67, 70-83 are not anticipated by Sundaresan not only because they depend from a non-anticipated independent claim, but also because of the additional features of the invention they define. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw its rejection.

B.   The 35 U.S.C. 103(a) Rejection Based on Sundaresan and Bieganski

As shown above, Sundaresan does not teach "determining a shopper-group interaction measure from individual shopper data and group shopper data, said group shopper data comprising a record of previous interactions between individuals within a shopping group of individuals performing said group shopping" as defined by independent claims 43, 58, 68, 69, and 84. Bieganski similarly does not disclose such a feature because Bieganski is concerned with making non-obvious recommendations for a certain individual based upon activity of others who appear to have the same profile as the individual, and Bieganski is completely unrelated to any form of group shopping.

More specifically, in column 5, lines 13-34, Bieganski describes that their system provides non-obvious recommendations and explains in column 6, lines 26-36 that such non-obvious recommendations are made by placing individuals into groups and then identifying people within the groups that have similar profiles. The paragraph in column 6, lines 37-54 of Bieganski that is referenced in the Office Action merely states that there are many methods by which individuals can be grouped in order to achieve the purpose of making such non-obvious recommendations. However, this does not relate to the claimed process that looks to interactions

between individuals within a shopping group to develop a shopper-group interaction measure, that is eventually used to perform target marketing as is defined by independent claims 43, 58, 68, 69, and 84.

Therefore, it is Applicants' position that even if one ordinarily skilled in the art had combined Sundaresan with Bieganski, such a proposed combination still would not teach to one ordinarily skilled in the art the process of "determining a shopper-group interaction measure from individual shopper data and group shopper data, said group shopper data comprising a record of previous interactions between individuals within a shopping group of individuals performing said group shopping" as defined by independent claims 43, 58, 68, 69, and 84 and that such independent claims are patentable over such a proposed combination. In concert with such reasoning, it is therefore Applicants' position that dependent claims 45-48, 50-51, 70-74, and 76-77 are similarly patentable, not only because they depend from a patentable independent claim, but also because of the additional features of the invention they define. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw this rejection.

C.   The 35 U.S.C. 103(a) Rejection Based on Sundaresan and Kolls

As shown above, Sundaresan does not teach "determining a shopper-group interaction measure from individual shopper data and group shopper data, said group shopper data comprising a record of previous interactions between individuals within a shopping group of individuals performing said group shopping" as defined by independent claims 43, 58, 68, 69, and 84. Kolls similarly does not disclose such a feature because, while Kolls discloses (in column 32, lines 21-32) that advertisements can be displayed to users based on individual or group customer profiles, Kolls does not explain how such profiles are established and therefore does not add to or modify the teaching of Sundaresan to arrive at presently claimed invention.

Therefore, it is Applicants' position that even if one ordinarily skilled in the art had combined Sundaresan with Kolls, such a proposed combination still would not teach to one ordinarily skilled in the art the process of "determining a shopper-group interaction measure from individual shopper data and group shopper data, said group shopper data comprising a

record of previous interactions between individuals within a shopping group of individuals performing said group shopping" as defined by independent claims 43, 58, 68, 69, and 84 and that such independent claims are patentable over such a proposed combination. Therefore, Applicants' position is that dependent claims 52-55, 57, 59-63, 67, 79-81, and 83 are similarly patentable, not only because they depend from a patentable independent claim, but also because of the additional features of the invention they define. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw this rejection.

D.   The 35 U.S.C. 103(a) Rejection Based on Sundaresan, Kolls and Eldering

As shown above, the combination of Sundaresan and Kolls does not teach "determining a shopper-group interaction measure from individual shopper data and group shopper data, said group shopper data comprising a record of previous interactions between individuals within a shopping group of individuals performing said group shopping" as defined by independent claims 43, 58, 68, 69, and 84. Eldering similarly does not disclose such a feature because, in a substantially similar manner to Sundaresan, Eldering discloses that advertising should be targeted to customers based upon their demographics and upon their particular purchasing habits (col. 1, lines 23-36 and col. 2, lines 34-47). Therefore, Eldering profiles shoppers according to demographics and previous shopping behavior, while the claimed invention determines a "shopper-group interaction" measure that is based at least in part upon group shopper data comprising a record of previous interactions between individuals within a shopping group of individuals performing the group shopping.

Therefore, it is Applicants' position that even if one ordinarily skilled in the art had combined Sundaresan with Kolls and Eldering, such a proposed combination still would not teach to one ordinarily skilled in the art the process of "determining a shopper-group interaction measure from individual shopper data and group shopper data, said group shopper data comprising a record of previous interactions between individuals within a shopping group of individuals performing said group shopping" as defined by independent claims 43, 58, 68, 69, and 84 and that such independent claims are patentable over such a proposed combination.

Therefore, it is Applicants' position that dependent claims 64-66 are similarly patentable, not only because they depend from a patentable independent claim, but also because of the additional features of the invention they define. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw this rejection.

II.   Formal Matters and Conclusion

In view of the foregoing, Applicants submit that claims 43-84, all the claims presently pending in the application, are patentably distinct from the prior art of records and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest time possible.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary.

Please charge any deficiencies and credit any overpayments to Attorney's Deposit Account Number 09-0441.

<div align="right">

Respectfully submitted,

</div>

Dated:05/30/08

/Frederick W. Gibb, III/
Frederick W. Gibb, III
Registration No. 37,629

Gibb & Rahman, LLC
2568-A Riva Road, Suite 304
Annapolis, MD 21401
Voice: (410) 573-1545
Fax: (301) 261-8825
Customer Number: 29154